

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEVEN D. SZATANEK,

Petitioner,

v.

9:20-CV-1306
(TJM)

SUPERINTENDENT,

Respondent.

APPEARANCES:

OF COUNSEL:

STEVEN D. SZATANEK

Petitioner pro se

16-B-0449

Five Points Correctional Facility

Caller Box 119

Romulus, NY 14541

HON. LETITIA JAMES

Attorney for Respondent

New York State Attorney General

The Capitol

Albany, New York 12224

PRISCILLA STEWARD, ESQ.
Ass't Attorney General

THOMAS J. McAVOY

United States Senior District Judge

DECISION and ORDER

Petitioner Steven Szatanek sought federal habeas corpus relief pursuant to 28 U.S.C. § 2254. Dkt. No. 1, Petition ("Pet."). Respondent was directed to answer the petition on or before March 5, 2021. Dkt. No. 2, Decision and Order ("October Order"); Dkt. No. 6, Letter Request; Dkt. No. 7, Text Order (granting respondent's request for an extension)

Petitioner recently filed a letter with the Court, admitting to several criminal actions and

requesting that his habeas petition be withdrawn. Dkt. No. 8. The Court issued a Decision and Order informing petitioner that his "voluntary withdrawal of his habeas petition . . . may result in any future petition being subject to dismissal as time-barred," and granting him thirty days leave to clarify whether he wished to voluntarily withdraw his petition or proceed. Dkt. No. 9, Decision and Order ("February Order") at 2. Petitioner timely complied with the February Order and filed a letter motion which renewed his voluntary request to withdraw his petition. Dkt. No. 10, Motion to Withdraw.

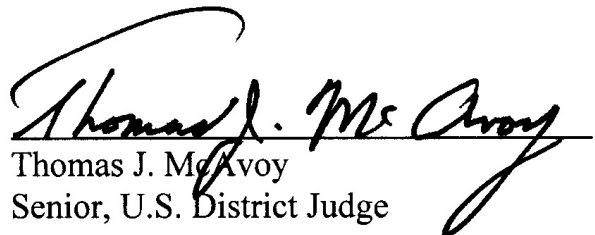
Accordingly, petitioner's motion is granted.

WHEREFORE, it is

ORDERED that petitioner's motion to withdraw (Dkt. No. 10) is **GRANTED** and the petition is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that the Clerk serve copies of this Decision and Order upon petitioner in accordance with the Local Rules.

Dated: February 23, 2021


Thomas J. McAvoy
Senior, U.S. District Judge